

Misbranding of the article was alleged in substance in the libel for the reason that the labels upon the individual packages and the booklets accompanying the same bore the following statements, (carton) " * * * Germicide * * * A * * * Remedy * * * for Ailments caused by disease producing germs within and without the body Neutralizes and Expels from the Blood The toxins of germs and other poisons or impurities, Allays internal or external congestion or inflammation * * * this Remedy is * * * germicide, antiseptic * * * it acts upon disease germs * * * chronic diseases * * * as well as the acute * * * diseases, are relieved by Giles' Germicide because it acts to overcome Germ Poison and remove them from the system. Relieves the Cause of Rheumatism, Asthma, Catarrh, Throat Troubles, Blood and Skin Diseases and Affections Disease of the stomach and Bowels and Ailments of an Inflammatory Nature, Either Internal or External," (booklet) " * * * Giles' Germicide * * * removes the known cause of nearly all diseases * * * A Real Relief for Disease * * * Stomach and Intestinal Troubles * * * Consumption, Asthma. Pneumonia, La Grippe, etc. * * * Blood and Skin Diseases * * * Internally it is used for all diseases, acute or chronic * * * Piles * * * Pleurisy * * * Diphtheria * * * Croup * * * Measles, Scarlet Fever, Chicken Pox * * * Small Pox * * * Chills, Fever and Ague, Malaria * * * Appendicitis or Stoppage of the Bowels * * * Dysentery * * * Diseases of the Throat and Lungs * * * Dyspepsia, Indigestion, Catarrh of the Stomach * * * Rheumatism, Gout, * * * Paralysis * * * Kidney Trouble * * * Bladder and Prostatic troubles * * * Gonorrhœa and Gleet * * * sexual weakness * * * Scrofula, Erysipelas, Eczema, Syphilitic Affections, and * * * Sores and Skin Eruptions * * * Female Troubles * * * to regulate menstrual disorders * * *," which said statements were false and fraudulent, and said product contained no ingredients or combination of ingredients capable of producing the curative or therapeutic effects claimed in said labels for said product or solution.

On July 13, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10690. Misbranding of Paulette's Brand tansy, cotton root, pennyroyal and apiol tablets. U. S. * * * v. 1 Dozen Packages and 11 Packages of Paulette's Brand Tansy, Cotton Root, Pennyroyal and Apiol Tablets. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 13802, 13803. I. S. Nos. 7521-t, 7522-t. S. Nos. E-2838, E-2839.)

On October 22, 1920, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 1 dozen packages and 11 packages of Paulette's Brand tansy, cotton root, pennyroyal and apiol tablets, remaining unsold in the original unbroken packages at New Haven and Bridgeport, Conn., respectively, alleging that the article had been shipped in part by the Standard Druggists Supply Co., Inc., Springfield, Mass., on or about August 4, 1920, and in part by the Fay and Young's Rubber Corp., New York, N. Y., on or about April 18, 1920, and transported from the States of Massachusetts and New York, respectively, into the State of Connecticut, and charging misbranding in violation of the Food and Drugs Act, as amended.

Misbranding of the article was alleged in substance in the libels for the reason that the circular accompanying the said article bore, in English and in foreign languages, the following statements regarding its therapeutic and curative effects, " * * * Best results are obtainable in using The Renowned 'Paulette's Brand' * * * Tansy, Cotton Root, Pennyroyal and Apiol Tablets * * * justly famous Regulator Tablet * * * Delayed Menstruations. When the suppression is of long standing * * * take one tablet at bedtime until four days before the time when the menses should appear. On these four days, immediately preceding the expected appearance of the menstrual flow, * * * take one * * * three times daily, * * * Abnormal, Premature and Irregular Menstruations Where the menses are not regular, either making their appearance a few days before, or after their proper time, or after the appearance is of long standing Paulette's Brand Tablets will be found invaluable. * * * Strict adherence to the above directions is generally followed by satisfactory results * * * failure

to arrive at this point should not be in the least discouraging * * * when suffering from several months' suppressed menstruation * * *," which statements were false, fraudulent, and misleading, and were applied to the said article so as to represent falsely and fraudulently and to create in the minds of purchasers thereof the impression and belief that the article was in whole or in part composed of, or contained, ingredients or medicinal agents effective as a remedy for menstrual disorders, when, in truth and in fact, it was not.

On March 14 and October 7, 1921, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10691. Adulteration of shell eggs. U. S. * * * v. John Wiley Wall. Plea of guilty. Fine, \$50. (F. & D. No. 14055. I. S. No. 9561-r.)

On April 11, 1921, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John Wiley Wall, Gilmer, Texas, alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about June 20, 1920, from the State of Texas into the State of Arkansas, of a quantity of shell eggs which were adulterated. The article was labeled in part, "From J. W. Wall, General Merchandise, Gilmer, Texas. * * *"

Examination by the Bureau of Chemistry of this department of 540 eggs from the consignment showed 86, or 15.9 per cent of those examined, to be inedible eggs, consisting of black rots, mixed or white rots, and heavy blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On February 27, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10692. Misbranding of cotton seed. U. S. * * * v. Gilmer Cotton Seed Oil Co., a corporation. Plea of guilty. Fine, \$50. (F. & D. No. 15055. I. S. No. 470-t.)

On October 5, 1921, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Gilmer Cotton Seed Oil Co., a corporation, Gilmer, Texas, alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 18, 1920, from the State of Texas into the State of Kansas, of a quantity of cotton seed which was misbranded. The article was contained in sacks, each of which bore two tags, reading in part as follows: (First tag) "100 Pounds (Net) Cold Pressed Cotton Seed Manufactured by Gilmer Cotton Seed Oil Company, Gilmer, Texas * * *;" (second tag) "100 Pounds Gross 99 Pounds Net * * * Equity Brand Compressed Cotton Seed * * * Weight 100 Lbs. Net * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 24.17 per cent of protein. Weighings of the article by said bureau showed that the average net weight of 20 sacks was 92.45 pounds.

Misbranding of the article was alleged in substance in the information for the reason that the statements on one of the tags attached to the sacks containing the article, to wit, "Guaranteed Analysis Protein not less than 26.00 per cent * * * 100 Pounds (Net)," and the statements on the other tag attached to the said sacks, to wit, "Guaranteed Analysis Protein not less than 25% * * * 100 Pounds Gross 99 Pounds Net * * * Weight 100 Lbs. Net," regarding the article and the ingredients and substances contained therein, were false and misleading, since the said article contained less than 25 per cent of protein and the said sacks contained less than 100 pounds or 99 pounds of the said article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 25 per cent of protein and that the said sacks contained not less than 100 or 99 pounds net of the article, whereas, in truth and in fact, the said article contained less than 25 per cent of protein and the said sacks contained less than 100 pounds or 99 pounds net of the said article.